

HOUSE BILL 1193
By Buck

AN ACT to amend Tennessee Code Annotated, Title 29;
Title 38 and Title 39, relative to the reporting of
certain types of harm or injury and the punishment
for failing to report such harm or injury.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by
adding the following as a new section:

Section 39-17-1__.

(a) In addition to the reports required by §§ 37-1-403, 37-1-605, and 71-6-103,
any person, including, but not limited to, a physician, nurse, pharmacist, psychiatrist,
psychologist, coroner, medical examiner, or other health care professional having
reasonable cause to suspect that a patient, client, or other person has suffered serious
harm, serious bodily injury, or death as the result of medical malpractice, shall cause a
confidential report to be made to the board of medical examiners.

(b) Any person making such a report shall provide the following information, if
known:

- (1) The name and address of the person harmed or injured;
- (2) The nature and extent of the harm or injury;
- (3) The identity of the person who caused the harm or injury, if known;
- (4) The identity of the complainant, if possible; and
- (5) Any other information that the person believes might be helpful in
establishing that the harm or injury was caused by medical malpractice.

(c) The board of medical examiners may use the information obtained pursuant to this section to assist the board in determining if disciplinary action against the person causing the harm, injury, or death is warranted and justified.

(d) It is a Class C misdemeanor punishable by fine only to knowingly fail to report harm, injury, or death suspected to be caused by medical malpractice as required by this section.

SECTION 2. This act shall take effect on January 1, 2006, the public welfare requiring it.